

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF EMERGENCY RULEMAKING

The Director of the Department of Housing and Community Development, in accordance with the authority set forth in section 102(g) of the Workforce Housing Production Program Approval Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.02(g)), Mayor's Order 2007-180, dated August 3, 2007, and DMPED Order No. 2008-5, dated July 24, 2008, hereby gives notice of the adoption on an emergency basis of an amendment to Chapter 35 (Workforce Housing Land Trust Program) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The emergency rulemaking allows the Mayor's delegee to waive any provision of Chapter 35, except as noted, where the Mayor's delegee makes a determination that there is good cause to waive such provision and where the waiver will further the purpose and objectives of the land trust program. The rulemaking was adopted on an emergency basis so as to allow the land trust program to close on private financing that is committed this summer. The private financing will not meet the leverage ratio required in the regulations because of deterioration in the financial markets since the date of adoption of the original land trust program regulations.

This emergency rulemaking was adopted on June 16, 2009 and became effective immediately. This emergency rulemaking will expire 120 days from that date.

Chapter 35 of Title 14 DCMR is amended as follows:**Section 3500 is amended by adding a new subsection 3500.3 to read as follows:**

3500.3 The Mayor's delegee, for good cause shown in writing, may waive any provision of this chapter, except the provisions of §§ 3502.2, 3502.3, 3506.9, 3512.4, and 3518, provided that such waiver is consistent with applicable law. All waivers shall be justified by a determination by the Mayor's delegee that application of the provision would adversely affect the purpose and objectives of the land trust program.

DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the D.C. Department of Transportation pursuant to the authority set forth in §§ 6(b), and 7 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137, D.C. Official Code §§ 50-921.05(b), and 50-921.06); Section 422 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; D.C. Official Code 1-204.22); Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code §§ 10-1141.01 et seq.); and Mayor's Order 96-8, 43 DCR 615 (February 9, 1996), hereby gives notice of the intent to adopt the following rules to amend Chapter 1 of Title 24 of the *District of Columbia Municipal Regulations*. The emergency and proposed rules will allow all signs that are not lewd, indecent, or vulgar, or do not pictorially represent the commission of or the attempt to commit any crime to be posted on a structure in public space for sixty (60) days, and a sign, advertisement, or poster related to a specific event may be affixed any time prior to an event but shall be removed no later than thirty (30) days following the event for which it is advertising or publicizing.

This emergency rulemaking is necessitated by the immediate need to address the continuing threat to the public welfare posed by an unequal treatment of non-commercial advertising in the public space. This emergency rule was adopted on November 2, 2009, and became effective immediately. This emergency rule will remain in effect for up to one hundred twenty (120) days, unless earlier superseded by a notice of final rulemaking.

Final rulemaking action to adopt these amendments shall be taken in not less than fifteen (15) days. Pursuant to D.C. Official Code § 2-505, final rulemaking action may be made less than thirty (30) days from publication of proposed rulemaking upon a showing of good cause. The full comment period is not necessary because these rules simply provide a technical amendment to retain the intent of the Council when it passed the *Street Sign Regulation Amendment Act of 1979*, D.C. Law 3-50, 26 DCR 2733 (December 21, 1979), insofar as the rulemaking removes a time limit distinction that exists between political and non-political advertising that has raised First Amendment concerns. This shortened review period will help expedite mitigation of any constitutional concerns.

Title 24 DCMR, Chapter 1, OCCUPATION AND USE OF PUBLIC SPACE, Section 108, SIGNS, POSTERS, AND PLACARDS, is amended as follows:

Subsections 108.5 and 108.6 are amended to read as follows:

- 108.5 A sign, advertisement, or poster not related to a specific event shall be affixed for no more than sixty (60) days.
- 108.6 A sign, advertisement, or poster related to a specific event may be affixed any time prior to the event but shall be removed no later than thirty (30) days following the event to which it is related.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than fifteen (15) days after the publication of this notice in the D.C. Register, with Karina Ricks, Associate Director, District Department of Transportation, 2000 14th Street, N.W., 7th Floor, Washington, D.C. 20009. Comments may also be sent electronically to publicspace.committee@dc.gov. Copies of this proposal are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation website at www.ddot.dc.gov.